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February 8, 2023

Honorable Paul A. Engelmayer
United States District Judge
Southern District of New York
40 Foley Square, Room 2201
New York, NY 10007

Re: USA v. Justin Rivera
District #19-CR-131(PAE)
Appeal Dkt #22-2780
Our File Number 736.22

Dear Judge Engelmayer:

I write on behalf of my client, the defendant-appellant Justin Rivera, whom the Court of Appeals appointed me pursuant to the Criminal Justice Act in the above-referenced appeal, to respectfully request that Your Honor enter an order allowing me access to the portions of the trial transcripts of the following proceedings, which Your Honor, ordered sealed: June 3, 2021: pages 42-45 and 251-52, June 4, 2021: pages 390-92 and June 10, 2021: pages 1333-39. Assistant U.S. Attorney Daniel Wolf advised me that the government consents to our request for access to sealed portions of the June 3, 2021 and June 10, 2021 transcripts and takes no position with regard to the June 4, 2021 transcript, which the transcript indicates were "SEALED; EX PARTE-DEFENSE."

AUSA Wolf further indicated that the pages of the June 3rd and June 10th transcripts are for "attorney's eyes only" and which can't be shared with my client without further order of the Court. Of course, I will abide by the Court's order in this regard.

I respectfully reserve that right apply to the Court for further unsealing orders if appropriate based on our continuing review of the record. We are also in the process of reviewing the transcripts of the approximately 50 other transcripts in this case.


Respectfully submitted,

s/ *Peter J. Tomao*
Peter J. Tomao

GRANTED. The Clerk of Court is requested to terminate the motion at Dkt. No. 1001.

2/8/2023

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge